

STEVEN G. KALAR
Federal Public Defender
VARELL L. FULLER
Assistant Federal Public Defender
160 West Santa Clara Street, Suite 575
San Jose, CA 95113
Telephone: (408) 291-7753
Counsel for Defendant TORRES

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 14-00254 DLJ
)	
Plaintiff,)	STIPULATION AND []
)	ORDER CONTINUING HEARING TO
vs.)	JULY 24, 2014, AND EXCLUDING TIME
)	UNDER THE SPEEDY TRIAL ACT
SIMON LAWRENCE TORRES,)	
)	
Defendants.)	
)	

STIPULATION

The defendant and the government, acting through their respective counsel, hereby stipulate, subject to the Court's approval, that the status hearing date currently set for June 19, 2014, be vacated and continued to July 24, 2014, at 9:00 a.m.

The reason for the requested continuance is defense counsel will be unavailable on June 19, 2014, the date now set for Mr. Torres's initial district court appearance. Defense counsel will be out of the district attending a two week seminar. Additionally, defense counsel's review of the discovery that has been provided in this matter and investigation remains on-going. The parties therefore respectfully requests a continuance and exclusion of time based on defense counsel's

1 need to effectively prepare and continuity of counsel.

2 Accordingly, the parties agree and stipulate that time should be excluded from June 19,
3 2014, through and including July 24, 2014, under the Speedy Trial Act, 18 U.S.C. §
4 3161(h)(7)(A) and (B)(iv), for effective preparation, and (h)(7)(B)(iv), continuity of counsel.
5 The defendant and the government further agree that granting the requested exclusion of time will
6 serve the interest of justice and the ends of justice outweigh the interest of the public and the
7 defendant in a speedy trial.

8 IT IS SO STIPULATED.

9 Dated: June 12, 2014

_____/s/_____
VARELL L. FULLER
Assistant Federal Public Defender

12 Dated: June 12, 2014

_____/s/_____
DANIEL R. KALEBA
Assistant United States Attorney

14 //
15 //
16 //
17 //
18 //

19 **[] ORDER**

20 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
21 ORDERED that the status hearing currently set for June 19, 2014, shall be continued to July 24,
22 2014, at 9:00 a.m.

23 THE COURT FINDS that failing to exclude the time between June 19, 2014, July 24,
24 2014, would unreasonably deny counsel the reasonable time necessary for effective preparation,
25 taking into account the exercise of due diligence, and deny the defendant continuity of counsel.
26 See 18 U.S.C. § 3161(h)(7)(B)(iv) and (h)(7)(B)(iv).

1 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
2 between June 19, 2014, and July 24, 2014, from computation under the Speedy Trial Act
3 outweigh the interests of the public and the defendants in a speedy trial.

4 THEREFORE, IT IS HEREBY ORDERED that the time between June 19, 2014, and July
5 24, 2014, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
6 3161(h)(7)(A), (B)(iv), and (h)(7)(B)(iv).

7 IT IS SO ORDERED.

8 Dated: 1 11 14


THE HONORABLE D. LOWELL JENSEN
United States District Court Judge